

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010090556

ORDER DENYING REQUEST FOR  
CONTINUANCE

On December 29, 2010, District filed a request to continue the dates in this matter on the ground that it is seeking to obtain permission to use confidential juvenile court records at the due process hearing. Despite receiving notice on December 28, 2010 that Student's counsel had withdrawn, District's motion makes no mention of any effort to meet and confer with Student's guardian about the continuance request. District's motion also failed to identify dates certain for hearing if the continuance was granted.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is denied. All hearing dates and timelines shall proceed as calendared. Although on its face, the motion may present good cause for a continuance, the motion fails because District did not meet and confer with Student's guardian, nor provide suggested dates certain for hearing. District may renew the motion at the time of the prehearing conference, provided it has met and conferred with Student's guardian and is prepared to discuss dates certain for hearing.

IT IS SO ORDERED.

Dated: December 30, 2010

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge (acting)  
Office of Administrative Hearings